

ZB# 79-11

Newburgh Savings Bank

65-2-34

# Newburgh Savings Bank - area variance

#79-11

Prelim. Meeting (3)

June 11, 1979

Public Hearing:

June 25, 1979

8:30 p.m.

OC PD to be notified -

Done 6/12/79 pd.

Word Rec'd - 6/24/79 - OCP.

Check to TC - 6/25/79.

File - TC's

Office

# GENERAL RECEIPT

4057

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF June 25 1979  
Newburgh Savings Bank \$ 50.00  
Fifty and 00/100 DOLLARS

FOR B. A. Varance App. Fee # 79-11

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>30.00 Ch.</u>		

BY

Pauline C. Townsend cm

Town Clerk

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of  
NEWBURGH SAVINGS BANK  
Application #79-11.

DECISION GRANTING  
AREA VARIANCE

-----X  
WHEREAS, NEWBURGH SAVINGS BANK, a banking institution, having its principal place of business at 94 Broadway, Newburgh, New York, has made application before the Zoning Board of Appeals for an area variance for the purposes of constructing an additional drive-in window at its Vails Gate Branch, located in a "C" zone in the Town of New Windsor; and

WHEREAS, a public hearing was held on the 25th day of June, 1979 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented by its Executive Vice President, Fred Wygant of the above address; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also required by law.

2. The evidence shows that the variance sought will not alter the general character of the neighborhood.

3. The evidence shows that denial of the variance will result in significant economic injury to the applicants.

4. The evidence shows that the variance if granted will result in no appreciable additional population or strain on existing governmental facilities.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That the notices of public hearing were duly sent to residents and businesses as prescribed by law and published in The Evening News also required by law.

2. The applicants will encounter practical difficulty if the area variance requested is not granted.

3. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a 38 ft. front yard variance to the Newburgh Savings Bank.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 9, 1979.

S/ Richard Jenick  
Chairman  
Acting



JUN 20 1979  
COUNTY OF ORANGE

**Department of Planning**

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

June 14, 1979

Mr. Mark Stortecky, Chairman  
New Windsor Zoning Board of Appeals  
Town Hall  
Union Avenue  
New Windsor, New York 12550

Re: Variance - Newburgh Savings Bank  
Route 32

Dear Mr. Stortecky:

This office, pursuant to the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York, has reviewed the above variance application.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison  
Commissioner of Planning

Reviewed by: Joel Shaw  
Sr. Planner

JS/jlm

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-11  
(Number)

June 11, 1979  
(Date)

I. Applicant information:

- (a) NEWBURGH SAVINGS BANK - 94 Broadway, Newburgh, N. Y. 12550  
(Name, address and phone of Applicant) P. O. Box 110 - 562-5800
- (b) N/A  
(Name, address and phone of purchaser or lessee)
- (c) NORTHROP & STRADAR - 388 Broadway, Newburgh, N. Y. - 561-8000  
(Name, address and phone of attorney)
- (d) N/A  
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) C NW Corner Route 32 & Old Temple Hill Rd. 65 2 34 148' x 193'  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1966
- (e) Has property been subdivided previously? no When?
- (f) Has property been subject of variance or special permit previously? yes When? 1967 - Use variance

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-11  
(Number)

June 11, 1979  
(Date)

I. Applicant information:

- (a) NEWBURGH SAVINGS BANK - 94 Broadway, Newburgh, N. Y. 12550  
(Name, address and phone of Applicant) P. O. Box 110 - 562-5800
- (b) N/A  
(Name, address and phone of purchaser or lessee)
- (c) NORTHROP & STRADAR - 388 Broadway, Newburgh, N. Y. - 561-8000  
(Name, address and phone of attorney)
- (d) N/A  
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- ☒ Area variance
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(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1966
- (e) Has property been subdivided previously? no When?
- (f) Has property been subject of variance or special permit previously? yes When? 1967 - Use variance
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. no

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow \_\_\_\_\_

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs Column 6

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard <u>60 ft.</u>	<u>22 ft.</u>	<u>38 ft.</u>
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V.

Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs Column 6

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yard <u>60 ft.</u>	<u>22 ft.</u>	<u>38 ft.</u>
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Development Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

\* Residential districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

The present drive-in facilities create traffic back ups and congestion in the bank's parking lot and entrances and exits. We have studied all possible alternatives for improving the flow of traffic with our architects and bank equipment specialists. The proposed plan will solve the difficulty we presently have in expediting the flow of customs who prefer to do their banking without leaving their automobiles.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_

The present drive-in facilities create traffic back ups and congestion in the bank's parking lot and entrances and exits. We have studied all possible alternatives for improving the flow of traffic with our architects and bank equipment specialists. The proposed plan will solve the difficulty we presently have in expediting the flow of customs who prefer to do their banking without leaving their automobiles.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_



VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There will be no change in existing curb cuts or signs.

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IX. Attachments required:

None issued. Copy of letter of referral from Building and Zoning Inspector.

- Copy of contract of sale, lease or franchise agreement.

- Copy of tax map showing adjacent properties

x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

- Copy(ies) of sign(s) with dimensions.

x Check in amount of \$ 50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There will be no change in existing curb cuts or signs.

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- Copy of contract of sale, lease or franchise agreement.

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- Copy(ies) of sign(s) with dimensions.

x Check in amount of \$ 50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

- Other

(Official Use Only)

X. AFFIDAVIT.

Date June 12, 1979.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

NEWBURGH SAVINGS BANK  
By Eric J. Ellych  
(Applicant)  
SR. EXEC VICE PRES.

Sworn to before me this

12th day of June, 1979.

*Patricia Delio*  
PATRICIA DELIO  
Notary Public, State of New York  
Appointed in Orange County  
My Commission expires Mar. 30, 1980.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS

STATE OF NEW YORK)  
 ) SS.:  
COUNTY OF ORANGE )

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NEWBURGH SAVINGS BANK  
By Sam J. Allyn  
(Applicant)  
SR. EXEC VICE PRES.

Sworn to before me this

12th day of June, 1979.

Patricia Delio  
PATRICIA DELIO  
Notary Public, State of New York  
Appointed in Orange County  
My Commission expires Mar. 30, 1980.

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- (a) Public Hearing date \_\_\_\_\_
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- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

INTER-OFFICE CORRESPONDENCE

TO: PAULA KING, TOWN ASSESSOR  
FROM: PAT DELIO, SECRETARY - ZBA  
SUBJECT: NEWBURGH SAVINGS BANK PROPERTY - VAILS GATE  
DATE: May 25, 1979 65-2-34.

Please prepare and furnish a list of property owners within 500 ft. of the above parcels. Same was requested by Fred Wygant, Vice President of Newburgh Savings Bank.

I will contact Mr. Wygant as soon as I hear from you regarding the cost of same.

Thank you.

Pat

5/29/79

Patti,

The Variance list is ready,  
You can call Mr Wygant.

The fee is \$20.00.

The list is on my desk

Paula



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

~~RECEIVED~~ ~~CLERK~~  
~~RECEIVED~~ ~~CLERK~~

555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

22

248340 Rosenberg, William & Viola ✓  
Florida, New York 10921

248341 Kelly, Katherine ✓  
Box 38  
Vails Gate, N.Y. 12584

248342 Golden Area Shopping Center ✓  
C/O Plaza Properties  
176 North Main Street  
Florida, N.Y. 10921

248343 Highland National Bank of Newburgh ✓  
381 Broadway  
Newburgh, N.Y. 12550

248344 Solomon, Theodore H. ✓  
Real Estate Mgmt. ✓  
Lincoln First Bank  
1 Lincoln First Square  
Rochester, N.Y. 14643

248345 Mans & Miller Auto  
Centers Inc. ✓  
P.O. Box 247  
Vails Gate, N.Y. 12584

248346 City School Dist of Newburgh ✓  
C/o Joan Shedden  
RD#2 Temple Hill Road  
New Windsor, N.Y. 12550

248347 Meadowlark Hills Corp.  
P.O. Box 188  
Washingtonville, N.Y. 10992

248348 Vails Gate Fire Co. Inc.  
Route 94  
Vails Gate, N.Y. 12584 ✓

248348 Daidone, Charles T. & Rose M.  
24 Park Hill Drive  
New Windsor, N.Y. 12550 ✓

248350 Schoonmaker Homes, Inc.  
P.O. Box 98  
Vails Gate, N.Y. 12584 ✓

248351 Thorne, Douglas C. ✓  
P.O. Box 8  
Vails Gate, N.Y. 12584

248352 Bonura, Mary E. & Callas, Peter T. ✓  
Sarvis Lane  
Newburgh, N.Y. 12550

248353 Casaccio, Paul & Virginia ✓  
RD#4 Alder Drive  
New Windsor, N.Y. 12550

248354 Primavera, Joseph A. & Robert ✓  
Vails Gate, N.Y. 12584

248355 Angelo Rosmarino Ent. Inc.  
Box 392  
Vails Gate, N.Y. 12584 ✓

248356 Gasland Inc.  
C/O Good Hope Ind. ✓  
P.O. Box 3190  
Springfield Mass. 01101



1768

## OFFICE OF THE ASSESSOR

## TOWN OF NEW WINDSOR

~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~  
555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

249357  
BLC Properties Inc.  
And Theresa M. ✓  
RD#1 Sarvis Lane  
Newburgh, N.Y. 12550

248358  
Baright, Richard S.  
D/B/A Baright Realty ✓  
Box 595  
Vails Gate, N.Y. 12584

248359  
Weber, George & Olive M.  
Box 24 ✓  
Vails Gate, N.Y. 12584

248360  
Trevorah, Edward ✓  
P.O.Box 1  
Vails Gate, N.Y. 12584

249361  
Crookson, Stanley ✓  
Arthur Street  
Peekskill, N.Y. 10566

**INTER-OFFICE CORRESPONDENCE**

**TO:** TOWN PLANNING BOARD  
**FROM:** ZONING BOARD OF APPEALS  
**SUBJECT:** PUBLIC HEARINGS BEFORE ZBA - June 25, 1979  
**DATE:** June 14, 1979

Kindly be advised that the following public hearings are scheduled before the ZBA on the evening of June 25, 1979:

8 p.m. - Application of ARTHUR SMITH and EILEEN SMITH (DUMAR AUTOTRUCK) - use variance;

8:30 p.m. - Application of NEWBURGH SAVINGS BANK for area variance.

I have attached hereto copies of the pertinent applications together with the public hearing notices in each case.

Pat

/pd

**Attachments**

cc: Howard Collett, Bldg./Zoning Inspector  
Town of New Windsor

(914) 555-8550

June 13, 1979

Mr. Fred Wygant  
Executive Vice President  
Newburgh Savings Bank  
P. O. Box 110  
Newburgh, N.Y. 12550

RE: APPLICATION #79-11 - NEWBURGH SAVINGS BANK  
NEW WINDSOR ZONING BOARD OF APPEALS

Dear Fred:

Enclosed please find the following:

Copy of Application

Public Hearing Notice

On June 12, 1979 I sent notice and plans to Orange County Planning Department and Town of New Windsor Planning Board will also receive notice of the hearing. Public Hearing notice will appear in The Evening News on June 16, 1979.

Kindly return all of the receipts on the night of the public hearing, together with your check in the sum of \$50.00, application fee.

Best regards.

Sincerely

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

Enclosures

PAL

*File*

ZONING BOARD OF APPEALS

June 11, 1979

Agenda: 7:30 p.m. Roll Call

Motion to adopt the May 14th minutes  
as written.

Preliminary Meetings:

1. Anthony Valicenti - Request to add living quarters over existing restaurant located at Route 9W. Requires special permit from ZBA. (Vincent Forestiere) - *to be scheduled.*
2. William SanGiamanno/Conlin Hill - Request for Aamco Transmission to be located in Gordon Carpet Warehouse building on Route 32. Special permit required.
3. Newburgh Savings Bank - Fred Wygant present to request front-yard variance for Vails Gate Branch. - *R.H. - 6/25/79.*
4. Richard Picard - Request to open copy center in Roma Imperial building located on Route 32. Change of use needed through letter from ZBA. No hearing necessary. John Lewis present. - *letter to be written.*

PUBLIC HEARING:

8 p.m. - Request of John Kaiser and Nadia Pajer for area variance for sideyard for construction of two-car garage on Walnut Street. *reserved decision.*

Discussion period.

Adjournment.

Pat  
562-7107 (home)  
565-8550 (office) until 4:30

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a Public Hearing  
pursuant to Section 48-33A of the Zoning Ordinance on the  
following proposition:

Appeal No. 11

Request of NEWBURGH SAVINGS BANK

for a VARIANCE ~~SPECIAL USE PERMIT~~ of  
the regulations of the Zoning Ordinance, to permit  
an additional drive-in window with a canopy  
creating insufficient front yard,

being a VARIANCE ~~SPECIAL USE PERMIT~~ of

Section 48-12 - Table of Bulk Regulations - Col. 6

for property situated as follows:

Old Temple Hill Road, Vails Gate, Town of  
New Windsor, New York.

SAID HEARING will take place on the 25th day of June, 19 79,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8:30 o'clock P. M.

MARK STORTECKY  
Chairman

(914) 565-8550

June 27, 1979

Mr. Fred Wygant,  
Executive Vice President  
Newburgh Savings Bank  
P. O. Box 110  
Newburgh, N.Y. 12550

RE: APPLICATION FOR AREA VARIANCE  
NEWBURGH SAVINGS BANK - #79-11

Dear Fred:

This is to confirm that the above application for an area variance of NEWBURGH SAVINGS BANK was approved with a unanimous vote of the ZBA. This action took place at the meeting of June 25, 1979.

It is always a pleasure to work with you.

Best regards,

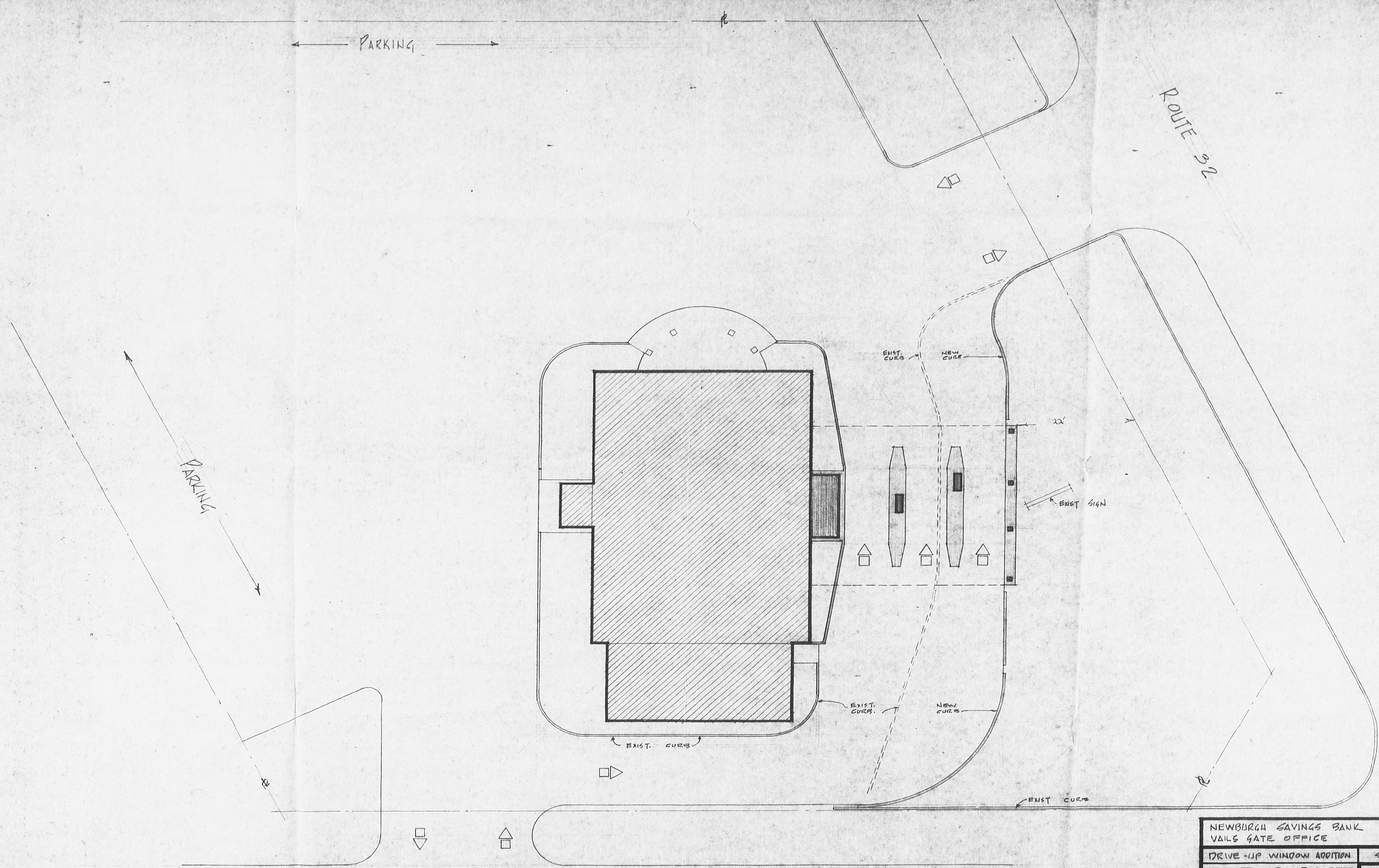
Patricia Delio, Secretary

/pd

cc: Howard Collett - Bldg./Zoning Inspector

Town Planning Board - Attn: Ernest Spignardo, Chairman





OLD TEMPLE HILL ROAD

REV. 5-23-79

NEWBURGH SAVINGS BANK VAILE GATE OFFICE		SITE PLAN	
DRIVE-UP WINDOW ADDITION		P-1	
<b>M.D. LANE</b> architecture & interior design		SCALE 1/8" = 1'-0"	
WARD ROAD SALT POINT NEW YORK 12578		DATE 5-1-79	
		COM NO 7901	